

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Shane Alton BREER,

Defendant.

Magistrate Case No. '08 MJ 2030

2008 JUL -3 AM 9:51

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C. § 1324(a)(2)(B)(iii) -

Bringing in Aliens Without Presentation,

Title 18, U.S.C. § 1544

Misuse of Passport

(Felony)

The undersigned complainant, being duly sworn, states:

Count 1

That on or about **July 2, 2008**, within the Southern District of California, defendant **Shane Alton BREER**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely **Teresa GAYTAN-Bautista, Blanca Lourdes MANCILLA-Gaytan and Hugo MORENO-Chavez** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count 2

That on or about **July 2, 2008** within the Southern District of California, defendant **Shane Alton BREER** did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. passport number 407037583, issued to Robert Frederick Stango to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Robert Frederick Stango, and that the passport was not issued or designed for his use, in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF July,
2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Teresa GAYTAN-Bautista, Blanca Lourdes MANCILLA-Gaytan, and Hugo MORENO-Chavez**, are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 2, 2008 at approximately 5:20 PM, **Shane Alton BREER (Defendant)** made application for admission into the United States via the vehicle primary lanes of the San Ysidro Port of Entry as the driver of a stolen, green GMC Envoy. A Customs and Border Protection (CBP) Canine alerted to the vehicle. Defendant presented a photo altered United States passport and a counterfeit California driver license both bearing the name Robert Frederick Stango to the CBP Officer. Defendant also gave two negative customs declarations to the CBP officer. During an inspection of the vehicle, the CBP officer discovered several undocumented aliens in the rear of the vehicle concealed under a black cloth. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers removed six individuals from the rear of the vehicle. The six concealed persons were determined to be citizens of Mexico without legal documentation to enter the United States. Three of the six concealed persons were retained as Material Witnesses and are now identified: **Teresa GAYTAN-Bautista (MW1), Blanca Lourdes MANCILLA-Gaytan (MW2) and Hugo MORENO-Chavez (MW3)**.

During a videotaped proceeding, Defendant was advised of his Miranda rights, acknowledged his rights and elected to answer question without the benefit of counsel. Defendant admitted knowledge of the concealed aliens. Defendant admitted that he was to receive payment of at least \$500.00 USD if successful in his smuggling attempt. Defendant admitted he presented a passport lawfully issued to another.

Separate videotaped interviews were conducted with Material Witnesses. All three Material Witnesses stated they are citizens of Mexico without legal documents to enter or reside in the United States. Material Witnesses stated they were to pay between \$3000.00 and \$4200.00 USD to be smuggled into the United States. Material Witnesses stated they intended to travel to Fontana, California to visit family. Material Witnesses indicated they saw Defendant at a house in Tijuana prior to being placed in the vehicle.